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Supreme Court, U.S.
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NO. 10-394

IN THE

SUPREME COURT OF THE UNITED STATES

GEOFFREY WILLARD ATWELL, PETITIONER

V.

THOMAS F. LAVAN, et al., RESPONDENTS

ON PETITION FOR REHEARING

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT
DOCKET NO. 08-2228

GEOFFREY WILLARD ATWELL, PETITIONER

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NO. 10-394

GEOFFREY WILLARD ATWELL,
Petitioner

V.

THOMAS F. LAVEN, et al.,
Respondents

PETITION FOR REHEARING

1. On November 29, 2010, this **Court denied Petitioner's Petition For Writ of Certiorari** to the **United States Court Of Appeals for the Third Circuit Docket No. 08-2228** and **Petitioner QUESTIONS** that **Denial claiming FAILURE TO ADEQUATELY CONSIDER PETITIONER'S CIRCUMSTANCES OF BEING ILEGALLY INCARCERATED BY RESPONDENTS IN VIOLATION OF PETITIONER'S U.S.C.A. AMENDMENTS 5, 8 AND 14.**

2. Pursuant **Petitioner's Petition Appendices H. (No. 1. to and including No. 6.)**, **Petitioner** fulfilled Commonwealth of Pennsylvania consecutive sentence requirements pursuant **Petition Appendix I.** on October 19 2002 but **Petitioner** was illegally incarcerated by Respondents' actions until May 22, 2004 and as **Petitioner's**

consecutive sentence serving complied with Pennsylvania law, common logic and mathematics for Petitioner's completion of imposed minimum sentences legally requires commencing the first consecutive sentence maximum on first minimum and then the second maximum sentence commences after completion of first minimum and so forth for all imposed consecutive sentences, i. e. once a minimum is completed, the next sentence with its maximum begins and so forth for each imposed consecutive sentence. Therefore, each maximum is running when a minimum commences and once all minimum sentences are completed and so have some maximum corresponding sentences been completed as several maximums can be running simultaneously. Petitioner's above statement contradicts Respondents' term "AGGREGATION OF MAXIMUM SENTENCES" as the term "AGGREGATION" IS NOT IN Pennsylvania Statute 42 Pa C.S.A. Section 9757 (Petition Appendix I.) and each maximum sentence is "COMPLETD AT END OF EACH IMPOSED SENTENCE MAXIMUM" and this contradicts the word "AGGREGATION". Evidently, this Court disagrees with Petitioner"s

above statements but, this **Court cannot argue for maximum aggregation after completion of all imposed minimum consecutive sentences as each imposed consecutive maximum sentence began at a different time after completion of each imposed minimum consecutive sentence and Petitioner charges that the District Court and Appellate Courts' are in error with their decisions in this action.**

3. **Petitioner challenges this Court's mathematics of aggregation of the Commonwealth of Pennsylvania's consecutive sentence maximums as lengthening of Petitioner's imposed sentencing after the commencing of the imposed sentences and this is a violation of U.S.C.A. Amendments 5. and 14. (as applied to the States)** and also, **that denial of Petitioner's Liberty Interest of Freedom inflicts a cruel and unusual punishment in violation of U.S.C.A. Amendment 8.** As **Pro Se Petitioner** understands the law, the actions by **Respondents' are a violation of Petitioner's U.S.C.A. Civil Rights and actionable under 42 U.S.C. Section 1983 and Petitioner claims that Certiorari should be granted as Petitioner believes judgment should be in his favor.**

4. This **PETITION FOR REHEARING** references

circumstances of a substantial controlling effect and those circumstances are presented per **Petition Appendices H. (Nos. 1.-6.) and Petitioner's Petition cites reasons for granting the Writ and Petitioner cites that their simplicity appears beyond the scope of this Court, e.g., Petitioner's Writ Reason No. 5.** lists prison sentences being served by **Petitioner** at Pennsylvania Department of Corrections State Correctional Institution Dallas and they are **No. 5.F., 5.G., 5.H. and 5.I.**, pursuant the above referenced **Appendices H. (Nos. 1.-6.)** and, this **Court** should reference **Appendix I.** as the imposed minimums (either individually or totally) are less than one half the imposed maximums and, **Petitioner's maximum sentence time was completed on October 19, 2002 and not May 22, 2004** but, this **Court agrees with Respondents'** that May 22, 2004 (49 months and 3 days) should be the total maximum time for all four of those sentences and when no one sentence maximum was more than (24) months and **Petitioner claims that this Court sanctions the increasing of prison sentences past court imposed maximum sentence(s) and therefore condones violations of Petitioner's U.S.C.A. Amendment 5, 8 and 14 rights.**

5. A consecutive sentence, pursuant Commonwealth of Pennsylvania **42 Pa C.S.A. Section 9757 (Petition Appendix I.)** is when

a sentence (or sentences) are imposed to follow each other but, Pennsylvania's above Statute does not require that the maximum sentences be added for a total maximum time as once the imposed sentence begins being served, the maximum for that sentence also begins and once that sentence's imposed minimum is completed the **next minimum sentence commences as does that sentence's maximum and so forth for any additionally imposed consecutive sentences and, once a maximum sentence is completed, the next maximum sentence, which began when that sentence's minimum began being served and that sentence's maximum is completed on its maximum date and so forth for additionally imposed minimum and maximum consecutive sentences sand Petitioner cites below his consecutive sentences as example:**
(cc is concurrent; cs is consecutive; m is month)

Sentence No.	Min.-max.	Start Date	Completed
754-98 cc to:	1m.-12ms.	4/19/2000	4/19/2001
92-99 cs to:	6m.-24ms.	4/19/2000	4/19/2002
1050-pp cs to:	6m.-24ms.	10/19/2000	10/19/2002
706-0	3m.-18ms.	4/19/2001	10/19/2002

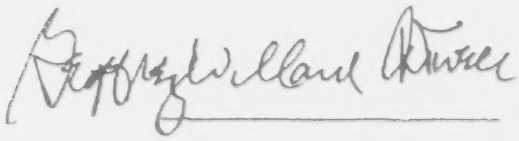
Each above sentence minimum was less than One half each sentence maximum and as (3)

Sentence maximums were simultaneously running during the same calendar time and the and the fourth maximum sentence completed upon the completion of the third maximum sentence and the first two maximum sentences were already completed, all maximum sentences were completed on October 19, 2002. **Petitioner was denied his liberty interest of freedom in violation of U.S.C.A. Amendments 5.and 14. and which precipitated violation of the 8th Amendment.**

6. **Petitioner** moved for appointment of counsel in the **District and Appellate Courts** but was denied and as **Petitioner** has no legal training or legal rapport, **Pro Se Petitioner charges that he should have appointed counsel.**

7. **Based upon the foregoing, Petitioner charges that he should be granted Writ of Certiorari and Judgment/**

Respectfully



Geoffrey Willard Atwell,
Petitioner

EXECUTED
January 1, 2011